

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

BRIAN HUGH CARTER,	:	
Plaintiff,	:	NO. 4:19-CV-00638
	:	
-vs-	:	
	:	(ARBUCKLE, M.J.)
ANDREW SAUL, ¹	:	
Commissioner of Social Security,	:	
Defendant.	:	[FILED VIA ECF]

**DEFENDANT’S MOTION
TO DISMISS PLAINTIFF’S COMPLAINT**

Defendant, Andrew Saul, through his counsel, hereby moves this Court to dismiss Plaintiff’s Complaint for the reasons set forth in the accompanying brief.

¹ Andrew Saul is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). See also section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) (action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

DAVID J. FREED
United States Attorney

By: /s/ Shana C. Priore
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Counsel for Defendant

Dated: July 1, 2019

OF COUNSEL:

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Office of the General Counsel
Social Security Administration

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on **July 1st, 2019**, she served a copy of the attached:

MOTION TO DISMISS

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address listed below, which is the last

known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, PA.

Brian Hugh Carter
563 Country Place Drive
Tobyhanna, PA 18466

/s/ Cindy J. Long
CINDY J. LONG
Legal Assistant